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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,426	12/12/2003	Martha Jo Meadows Brown	IFF-64	3866
48080	7590	10/25/2007		
INTERNATIONAL FLAVORS & FRAGRANCES INC. 521 WEST 57TH ST NEW YORK, NY 10019			EXAMINER WEINSTEIN, STEVEN L	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 10/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,426

Applicant(s)

BROWN ET AL.

Examiner

Steven L. Weinstein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 44 is rejected under 35 U.S.C. 102(b) as being anticipated by Huvar (3,961,043), or Kremer et al (4,000,271), or Hoffmann (4,134,754), or Hei et al (6,277,344), or Neumiller (4,294,821).

Huvar (3,961,043), Kremer et al (4,000,271), Hoffmann (4,134,754), Hei et al (6,277,344), and Neumiller (4,294,821), all disclose reducing an off-odor by providing a compound that comprises linoleic acid, which is all claim 1 recites.

Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visioli (WO96/40429) as further evidenced by Corbin et al (WO96/22160), Holzner (4,990,381), Guardiola (EP 1146071), and Yokota (WO 03/044112), further in view of Huvar (3,961,043), Kremer et al (4,000,271), Hoffmann (4,134,754), Hei et al (6,277,344), and Neumiller (4,294,821).

In regard to claim 45, Visioli (WO96/40429) as further evidenced by Corbin et al (WO96/22160), Holzner (4,990,381), Guardiola (EP 1146071), and Yokota (WO 03/044112), teach a method and packaging wherein a package contains a product that produces an off-odor and the package is therefore provided with an odor eliminating compound, wherein the compound is associated with a sheet material positioned as part of, or in addition, to the innermost layer of the package. It is noted that claim 45 recites that the off-odor eliminating compound is associated with a "strip". The strip and

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its dimensions are otherwise not recited. Once it was known to associate an odor reducing compound with packaging material, the particular part of the package or its attachment thereto is seen to have been an obvious matter of choice; especially when the art taken as whole teaches association by the packaging itself or inserts that form part of the package (e.g., Corbin et al – p.10). Claim 45 differs from the combination in the particular material used as the off-odor eliminating compound. As evidenced by Huvar (3,961,043), Kremer et al (4,000,271), Hoffmann (4,134,754), Hei et al (6,277,344), and Neumiller (4,294,821), it was well established that linoleic acid had the property or ability to reduce odors. To modify, Visioli (WO96/40429) as further evidenced by Corbin et al (WO96/22160), Holzner (4,990,381), Guardiola (EP 1146071), and Yokota (WO 03/044112), and substitute one conventional composition known to reduce odors for another conventional composition known to reduce odors would therefore have been obvious in view of the art taken as a whole. Although the off-odor compounds are not claimed, note that the art taken as a whole discloses that it was known that linoleic acid had the ability to reduce s-containing malodorous compounds, which are the type of malodorous compounds disclosed in applicants specification. Claims 46 and 47 are rejected for the reasons given above.

All of applicants' remarks filed 8/16/07 have been fully and carefully considered but are seen to be moot in view of the new ground of rejection necessitated by applicants' amendment.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven L. Weinstein whose telephone number is 571-272-1410. The examiner can normally be reached on Monday-Friday 7:00 A.M.-2:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steve Weinstein
STEVE WEINSTEIN
PRIMARY EXAMINER 1794
10/24/07